

FFY07 Year-End Annual Report

MassDEP/US EPA Region I Environmental Performance
Partnership Agreement: 2007-2009

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Introduction

This document is the Massachusetts Department of Environmental Protection's (MassDEP's) FFY 2007 Year End Annual Report. The Year-End Annual Report was developed for the 2007-2009 MassDEP/United States EPA-Region I Environmental Program Plan/Performance Partnership Agreement (PPA) which is a multi-program umbrella grant agreement which outlines activities and outcomes that MassDEP will perform using federal funds. The PPA approach between states and EPA was developed under the National Environmental Performance Partnership System (NEPPS). Its intent is to develop a system that is based upon environmental goals and measures of success and allows states maximum operating flexibility to accomplish their environmental priorities.

This document provides information on MassDEP's accomplishments for FFY 2007 and has three parts:

- Part 1: Accomplishment Highlights – Part 1 provides a brief narrative summary of noteworthy accomplishments in FFY 2007 for the goals of Clean Air and Global Climate Change; Clean and Safe Water; Land Preservation and Restoration; Healthy Communities and Eco Systems; Compliance and Environmental Stewardship; Energy and the Environment in Action.
- Part 2: Environmental Goals, Objectives and Activities – are tables summarizing progress made toward the environmental goals and in meeting the targets and key commitments contained in the FFY07 PPA Workplan.
- Part 3: Inspection tables showing the number and type of inspections conducted in FFY07.

Environmental and Programmatic trend data for the period of the 2007-2009 Performance Partnership Agreement will be presented in the 2009 year-end report. For more information on MassDEP's activities, including MassDEP Program Plan/Environmental Performance Partnership Agreements (PPAs) and Year-End Annual PPA Reports for previous years, please see the MassDEP website at the following URL: <http://www.mass.gov/dep/about/priorities/ppahome.htm>

See the MassDEP website for additional information on:

- MassDEP priorities and results: <http://mass.gov/dep/about/missionp.htm>
- Cleaning Up Oil and Hazardous Waste Sites in Massachusetts: Statistics and Progress: <http://www.mass.gov/dep/cleanup/priorities/stats.htm>
- Trends in air pollution: <http://www.mass.gov/dep/air/priosres.htm>
- Trends in solid waste generation: <http://www.mass.gov/dep/recycle/priorities/dswmpu01.htm#recycling>
- Trends on toxics use reduction: <http://www.mass.gov/dep/toxics/tura/turadata.htm>
- Status of water, waste water and wetlands: <http://www.mass.gov/dep/water/priorities/dwhome.htm>
- The Massachusetts Executive Office of Energy and Environmental Affairs' State of the Environment Report 2006: http://www.mass.gov/envir/press/pressreleases/state_ofthe_envir2006.pdf

MassDEP 2007 Accomplishment Highlights

Clean Air and Global Climate Change

Climate Protection Efforts, including Regional Greenhouse Gas Initiative (RGGI)

In January 2007, Governor Patrick committed to joining the ten-state Regional Greenhouse Gas Initiative (RGGI). In May 2007, MassDEP joined 31 states, one Native American tribe, and two Canadian provinces as founding members of The Climate Registry, the largest multi-state effort to date to track the emissions associated with global warming. In August 2007, MassDEP released for public comment draft regulations to implement the Regional Greenhouse Gas Initiative's cap-and-trade system for limiting carbon dioxide emissions from large electric power plants. Massachusetts is the first of the 10 member states to issue rules for instituting the market-based mechanism for reducing emissions associated with global climate change.

<http://www.mass.gov/dep/public/press/0807rggi.htm>

http://mass.gov/envir/press/pressreleases/051007_climate_registry.pdf

Funding for Diesel Bus Retrofits:

In June 2007, MassDEP helped secure an agreement to fund diesel retrofits of 8,400 public school and regional transit buses by 2010. The Executive Office of Transportation (EOT) will provide the \$22.5 million in funding over three years to accomplish the retrofits as part of the Central Artery air quality and urban transit mitigation package.

<http://www.mass.gov/dep/public/publications/0407brie.htm>

Green House Gas (GHG) Reduction Targeted through Energy Management Program for Municipal Wastewater & Drinking Water Treatment Plants

In December 2007, MassDEP kicked off a program where it will take the lead among public and utility partners that will work in concert to provide no-cost energy use audits at municipal wastewater and drinking water facilities, and then provide a range of technical and financial assistance to help them implement energy saving measures, including renewables. The energy use and costs associated with these operations are a major

contributor to overall energy consumption for municipalities.

<http://www.mass.gov/dep/public/press/1207ener.htm>

Clean and Safe Water

Delivery of Oil Spill Emergency Response Trailers and Equipment to 19 Coastal Communities

In June 2007, MassDEP launched an effort to provide emergency response trailers packed with state-of-the-art equipment, which can be deployed immediately to protect the state's fragile coastline in the event of an oil spill, to 19 Massachusetts communities. Funding used to purchase and stock the emergency response trailers comes from the Oil Spill Act Response and Prevention Trust Fund, which was set up to receive two cents for every barrel of petroleum shipped into Massachusetts.

<http://www.mass.gov/dep/public/press/0607oils.htm>

More than \$520 million in Low-Interest Loans to Municipalities for wastewater and drinking water:

In 2007, MassDEP awarded more than \$523 million in low-interest loans to 80 Massachusetts communities, wastewater districts and water supplies for 93 environmental infrastructure and planning improvement projects via the Clean Water and Drinking Water State Revolving Fund (SRF) program. <http://www.mass.gov/dep/public/press/0107srf.htm>

Land Preservation and Restoration

Brownfields Redevelopment, including New Cleanup Timeline Incentives and Various Assistance Efforts

In December 2007 (scheduled to take effect 12/28/07), MassDEP finalized regulations that re-sets the cleanup timeline for new property owners who purchase previously contaminated properties, thus eliminating the risk of enforcement associated with the previous owners' cleanup timeline. In addition, MassDEP continues to provide strong assistance to Brownfields project proponents, helping more than 400 project proponents from October 2006 through September 2007, and helping 16 communities obtain cleanup grants/revolving loan funds.

<http://mass.gov/dep/cleanup/brownfie.htm>

<http://mass.gov/dep/cleanup/laws/regulati.htm#mcp07>

Progress with Privatized Waste Site Cleanup Program:

For the 5th consecutive year, the number of waste sites “closed out” has exceeded the number of new notifications. In FY2007, the number of close-outs was 1,863 and the number of notifications was 1,683. Since 1984, the Department has received more than 35,000 notifications, and more than 23,900 sites have been “closed out” since 1993.

<http://mass.gov/dep/cleanup/priorities/stats.htm>

Healthy Community and Ecosystems

Safe Neighborhood Chemical Initiative:

In November 2007, MassDEP and the Massachusetts Department of Fire Services (DFS) completed 41 on-site inspections as part of the Safe Neighborhood Chemical Initiative (SNCI). The SNCI was initiated in Spring 2007 to identify and correct potential industrial chemical hazards that may present an imminent threat to surrounding neighborhoods. The project was a result of the November 22, 2006, explosion at the site of Danversport paint and ink and dye manufacturers that destroyed their facility along with numerous homes in the neighborhood. The pilot program was primarily a technical assistance effort that resulted in numerous recommendations to the inspected facilities to ensure their safe operation. Preliminary results show that facilities, in general, pose little risk to surrounding neighborhoods.

<http://www.mass.gov/dep/public/press/1107sncl.htm>

\$22 Million Expansion, LEED Renovation of MassDEP's Wall Experiment Station Laboratory:

In November 2007, MassDEP broke ground on the first phase of a planned two-year, \$22 million expansion and renovation of the Senator William X. Wall Experiment Station in Lawrence, which will transform the state

environmental laboratory operated by MassDEP into a state-of-the-art, "green" building, that will be LEED certified and will include solar electricity generation, a green roof, and a super efficient heating and cooling system. The Wall Experiment Station is Massachusetts' principal drinking water laboratory, and the facility annually performs 10,000 lab analyses of contaminants in water, wastewater, air, soil, hazardous wastes, fish, and other samples. The facility also certifies more than 150 commercial and municipal labs for compliance analysis of both potable and non-potable water.

<http://www.mass.gov/dep/public/press/1107wes2.htm>

<http://mass.gov/dep/about/organization/wesfuture1.htm>

Mercury Reduction Efforts:

In May 2007, MassDEP issued final rules requiring significant reductions in mercury emissions from the state's 5 largest power plants. In June 2007, MassDEP began implementation of the new Mercury Management Act with the development of regulations covering mercury components in vehicles, manufacturer-sponsored collection plans, and mercury containing lamp recycling. Regulations to implement disposal bans and labeling requirements are anticipated in early 2008. In October 2007, MassDEP joined with the other 5 New England states and New York to submit to EPA a mercury cleanup plan, called the “Northeast Regional Mercury Total Maximum Daily Load” (TMDL). This plan, which is among the most aggressive mercury pollution reduction efforts in the world, targets a 75 percent reduction in mercury emissions by 2010 and virtual elimination of mercury pollution in the region thereafter. Massachusetts has far exceeded federal requirements and has successfully reduced mercury emissions from sources in the state by greater 70 percent since 1998 via strict regulations on trash incinerator emissions, disposal bans, and actions to reduce mercury wastewater discharges from dental offices. Despite these efforts, mercury levels in many of the state's fish are still too high to permit human consumption.

http://mass.gov/envir/press/pressreleases/102407_mercury.pdf

<http://mass.gov/dep/toxics/stypes/hgres.htm>

Toxic Use Reduction Act Changes:

In August 2007, MassDEP issued draft regulations implementing Toxic Use Reduction Act (TURA) Amendments passed by the legislature at the end of 2006. The changes provide for the use of Environmental Management Systems (EMSs) and resource conservation plans (including energy and water conservation efforts) in establishing and meeting targets for reducing the use of toxic substances.

<http://mass.gov/dep/toxics/laws/regulati.htm>

More than \$2 million in grants to towns and others for recycling, stormwater, waste site cleanup:

MassDEP also administered more than \$2 million in grants for various other environmentally beneficial activities including recycling, surface water pollution reduction, and waste site cleanup.

<http://www.mass.gov/dep/public/press/1107recy.htm>

Compliance and Environmental Stewardship

Reform of Wetlands Appeal Process:

In October 2007, MassDEP and the Executive Office of Environmental Affairs issued final regulations that reform the wetlands appeal process. These changes will reduce delays at the state Division of Administrative Law Appeals (DALA), where some cases now languish for months and years with minimal environmental benefit.

<http://mass.gov/dep/service/regulations/310cmr1004.doc>

Reduced Permit Review Timelines:

In June 2007, MassDEP issued new permit streamlining regulations that will reduce the timeframe for agency permit decisions by 20%. MassDEP has also committed to issuing 90% of all permit decisions within 180 days.

<http://mass.gov/dep/service/approvals/streamln.htm>

<http://mass.gov/dep/service/regulations/proposed/310cmr4draft.doc>

Targeted Permit Streamlining, including Permitting for Sewers, Coastal Development, Air, and Groundwater Discharges:

In January 2007, MassDEP adopted major changes to the Departments Sanitary and Industrial Wastewater Sewer regulations, which eliminate redundancy with currently duplicative local sewer discharge permit programs for sanitary sewer connections and extensions, and establish performance based standards for assessing compliance under Industrial Wastewater Regulations. The revisions maintain and enhance the existing effluent quality standards and streamline permitting and procedural requirements. In the Spring of 2007, launched additional efforts to streamline some of the agency's more complicated and time-consuming permitting programs for public access to coastal developments (Chapter 91), groundwater discharges, and air emissions. The draft Chapter 91 regulations were released for public comment in December 2007. Changes to the groundwater and air permitting programs will be implemented in 2008.

<http://mass.gov/dep/service/approvals/streamln.htm>

<http://mass.gov/dep/public/hearings/31019.htm>

Record High On-Line Transactions via "eDEP":

In July 2007, MassDEP achieved another record year for on-line transactions with 39,531 permit applications, certifications, registrations and other submittals received in FY 2007. This is up more than 3,000 from FY 2006 and included an additional 3,440 new on-line customer accounts.

<http://mass.gov/dep/service/compliance/edeponlf.htm>

Continued Strong Enforcement – Finding & Correcting Violations:

In FY07, MassDEP conducted 7,086 compliance inspections, increasing its field presence for the fourth consecutive year. MassDEP also initiated more than 2,900 audits of site cleanups being performed under the privatized waste site cleanup program. When MassDEP discovered violations, the agency issued 2,333 lower level enforcement actions and 1,055 higher-level enforcement actions (enforcement orders and penalties).

These higher-level enforcement orders assessed more than \$5,120,000 in penalties.

<http://mass.gov/dep/service/enforcem.htm>

Homeland Security/ Environmental Emergencies

MassDEP continues to improve and expand on its comprehensive ER staff training program. Highlights in 2007 include a 3-day Hazardous Materials Technician course attended by all MassDEP responders, Air Monitoring for Emergency responders, OSC readiness training conference, Level A drill, and fast-water boom deployment training, among many other trainings, drills, and exercises.

MassDEP furnished 19 Cape and Island communities with fully equipped trailers to help ensure prompt response to marine oil spill events by local officials, and trained staff from these communities on the use of the equipment. To complement the effective use of the trailers, MassDEP contracted for Geographic Response Plans to be prepared, identifying sensitive environmental areas so first responders can prioritize their efforts.

